

**U.S. District Court  
SOUTHERN DISTRICT OF TEXAS (Houston)  
CRIMINAL DOCKET FOR CASE #: 4:21-mj-00105-1 \*SEALED\*  
*Internal Use Only***

Case title: USA v. SEALED

Date Filed: 01/19/2021

Other court case number: 6:20-cr-097 (1) ED/TX – Tyler Div

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Assigned to: Magistrate Judge  
Frances H Stacy

**Defendant (1)**

**Shawn Carl Gaitan**  
*In Custody*

represented by **Federal Public Defender – Houston**  
440 Louisiana  
Ste 310  
Houston, TX 77002  
713-718-4600  
Fax: 713-718-4610  
Email: [hou\\_ecf@fd.org](mailto:hou_ecf@fd.org)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Public Defender or Community  
Defender Appointment*

**Pending Counts**

None

**Disposition**

**Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition**

**Highest Offense Level  
(Terminated)**

None

**Complaints**

21 USC § 846: Conspiracy to  
possess with the intent to distribute  
and distribution of a controlled  
substance (methamphetamine)

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**Disposition**

**Plaintiff****USA**

Date Filed	#	Page	Docket Text
01/19/2021		3	Magistrate Judge Frances H Stacy added. (sanderson, 4) (Entered: 01/19/2021)
01/19/2021	<u>1</u>	4	Copy of Sealed Indictment and Warrant from the Eastern District of Texas – Tyler Division 6:20–cr–097 (1) as to Shawn Carl Gaitan, filed.(sanderson, 4) (Main Document 1 replaced on 1/19/2021) (sanderson, 4). (Entered: 01/19/2021)
01/19/2021		14	Arrest (Rule 40) of Shawn Carl Gaitan, filed. (sanderson, 4) (Entered: 01/19/2021)
01/19/2021		12	***Set Hearing as to Shawn Carl Gaitan: Initial Appearance – Rule 40 set for 1/19/2021 at 02:00 PM before Magistrate Judge Frances H Stacy (sanderson, 4) (Entered: 01/19/2021)
01/19/2021	2		ORDER APPOINTING FEDERAL PUBLIC DEFENDER. Federal Public Defender – Houston for Shawn Carl Gaitan ( Signed by Magistrate Judge Frances H Stacy) Parties notified. (bwhite, 4) (Entered: 01/19/2021)
01/19/2021		13	Minute Entry by video for proceedings held before Magistrate Judge Frances H Stacy: INITIAL APPEARANCE IN RULE 5(c)(3) PROCEEDINGS as to Shawn Carl Gaitan held on 1/19/2021. Defendant requests appointed counsel. Financial Affidavit executed. Order appointing Federal Public Defender. Defendant ordered removed to originating district. Appearances:H Winter f/ausa; T Keck f/ausa.(Court Reporter: ERO)(Digital # 2:17–2:25/2:53–2:56)(ERO:M Morgan) Deft remanded to custody, filed.(bwhite, 4) (Entered: 01/19/2021)
01/19/2021	<u>3</u>	15	COMMITMENT TO ANOTHER DISTRICT as to Shawn Carl Gaitan. Defendant committed to the E/D/TX. ( Signed by Magistrate Judge Frances H Stacy) Parties notified. (bwhite, 4) (Entered: 01/19/2021)

MIME-Version:1.0  
From:DCECF\_LiveDB@txs.uscourts.gov  
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--Non Case Participants:  
--No Notice Sent:  
  
Message-Id:34806881@txs.uscourts.gov  
Subject:Activity in Case 21-105 Sealed v. Sealed (Redacted Notice)  
Content-Type: text/html

**U.S. District Court**

**SOUTHERN DISTRICT OF TEXAS**

**Notice of Electronic Filing**

The following transaction was entered on 1/19/2021 at 12:26 PM CST and filed on 1/19/2021

**Case Name:** USA v. SEALED  
**Case Number:** 4:21-mj-00105 \*SEALED\*  
**Filer:**

**Document Number:** No document attached

**Docket Text:**  
**Magistrate Judge Frances H Stacy added. (sanderson, 4)**

**4:21-mj-00105 \*SEALED\*-1 No electronic public notice will be sent because the case/entry is sealed.**

Sealed  
Public and unofficial staff access  
to this instrument are  
prohibited by court order

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

UNITED STATES OF AMERICA

V.

SHAWN CARL GAITAN (01)

[REDACTED]

4:20-MJ-0105

Case No. 6:20-CR-97  
JUDGES JCB/JDL

SEALED

**FILED**

DEC 16 2020

Clerk, U.S. District Court  
Texas Eastern

United States Courts  
Southern District of Texas  
FILED

January 19, 2021

Nathan Ochsner, Clerk of Court

INDICTMENT

THE UNITED STATES GRAND JURY CHARGES:

COUNT 1

Violation: 21 U.S.C. § 846  
(Conspiracy to possess with the intent to  
distribute and distribution of a controlled  
substance (methamphetamine))

From in or about April 2018, the exact date being unknown to the Grand Jury, and  
continuing thereafter until the date of this indictment, in the Eastern District of Texas and  
elsewhere, **Shawn Carl Gaitan**, [REDACTED]

[REDACTED]

[REDACTED]

██████████, defendants, knowingly and intentionally conspired and agreed with each other, and with persons known and unknown to the Grand Jury, to violate a law of the United States of America, to wit, 21 U.S.C. § 841(a)(1), prohibiting the possession with intent to distribute and distribution 50 grams or more of actual methamphetamine or 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

All in violation of 21 U.S.C. § 846.

**COUNTS 2-5**

Violation: 18 U.S.C. § 924(c)  
(Possession of a firearm in furtherance of  
a drug trafficking crime)

On or about the dates listed below, in the Eastern District of Texas, the defendants listed below, did knowingly use and carry a firearm or firearms during and in relation to, and did knowingly possess the firearm or firearms in furtherance of, a drug trafficking crime for which he or she may be prosecuted in a court of the United States, that is, conspiracy to possess with intent to distribute and distribution of a controlled substance, in violation of 21 U.S.C. § 846, as charged in Count 1:

Count	Date	Defendant(s)	Firearm(s)
1	██████████	██████████	██████████, ██████████ ██████████
2	██████████	██████████	██ ████████████████████
3	██████████	██████████	██ ██████████
4	██████████	██████████	██████████, ██████████ ██████████

In violation of 18 U.S.C. § 924(c)(1)(A).

**COUNT 6**

Violation: 18 U.S.C. § 922(g)(1)  
(Felon in possession of a firearm)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**NOTICE OF INTENT TO SEEK CRIMINAL FORFEITURE**

Pursuant to 21 U.S.C. § 853, 18 U.S.C. § 924(d) & 28 U.S.C. § 2461

As the result of committing the foregoing offenses alleged in this indictment, the defendants herein shall forfeit to the United States, pursuant to 21 U.S.C. § 853, 18 U.S.C. § 924(d) and 28 U.S.C. § 2461:

1. any property constituting, or derived from, and proceeds the defendants obtained, directly or indirectly, as the result of such violations;
2. any of the defendants' property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violations, and/or;
3. any and all firearms, ammunition and accessories seized from the defendants, including, but not limited to the following:

**Firearms and Ammunition:**

[REDACTED]

**Cash Proceeds:**

A sum of money equal to \$50,000.00 in United States currency and all interest and proceeds traceable thereto, representing the amount of proceeds obtained by the defendants as a result of the offense(s) alleged in this indictment, for which the defendants are personally liable.

**Substitute Assets**

If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with a third person;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value or;
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property, including but not limited to all property, both real and personal owned by the defendants.

By virtue of the commission of the offenses alleged in this indictment, any and all interest the defendants have in the above-described property is vested in the United States and hereby forfeited to the United States pursuant to 21 U.S.C. § 853, 18 U.S.C. § 924(d) and 28 U.S.C. § 2461.

A TRUE BILL,

12/16/20  
Date

MKF  
FOREPERSON OF THE GRAND JURY

STEPHEN J. COX  
UNITED STATES ATTORNEY

D. Ryan Locker  
D. RYAN LOCKER  
ASSISTANT U.S. ATTORNEY  
Assistant United States Attorney



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

UNITED STATES OF AMERICA

v.

SHAWN CARL GAITAN (01)

[REDACTED]

Case No. 6:20-CR- 97  
JUDGES JCB/JDC

**SEALED**

**NOTICE OF PENALTY**

**COUNT 1**

Violation:

21 U.S.C. § 846 (Conspiracy to possess with intent to distribute and distribution of a controlled substance (methamphetamine))

Penalty:

If more than 50 grams of actual methamphetamine - imprisonment of not less than 10 years, but not more than life, a fine not to exceed \$10 million (or twice any pecuniary gain to the defendant or loss to any victim), or both, and supervised release of at least 5 years, but not more than life;

If a defendant has a previous final conviction for a felony drug offense, said defendant shall be imprisoned not less than 15 years and not more than life; a fine not to exceed \$20,000,000, or both; and a term of supervised release of at least 10 years.

If a defendant has two previous final convictions for felony drug offenses, said defendant shall be imprisoned not less than 25 years and not more than

life; fined up to \$20,000,000, or both; and a term of supervised release of at least 10 years.

Special Assessment: \$100.00

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### **COUNTS 2-5**

Violation: 18 U.S.C. § 924(c) (Use, carrying and possession of a firearm during and in furtherance of a drug trafficking crime)

Penalty: Imprisonment for not less than 5 years and not more than life, which must be served consecutively to any other term of imprisonment; a fine not to exceed \$250,000, or both; and a term of supervised release of not more than 5 years.

Special Assessment: \$100.00

### **COUNT 6**

Violation: 18 U.S.C. §§ 922(g)(1), 924(a)(2), and 924(e) (Felon in possession of a firearm or firearms)

Penalty: Imprisonment for not more than 10 years; a fine not to exceed \$250,000, or both; and a term of supervised release of not more than 3 years.

If a defendant has three prior convictions for a violent felony or a serious drug offense, or both, committed on occasions different from one another, such person shall be imprisoned not less than 15 years and not more than life.

Special Assessment: \$100.00

**Sealed**  
Public and unofficial staff access  
to this instrument are  
prohibited by court order

## UNITED STATES DISTRICT COURT

for the  
Eastern District of Texas

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION  
DOCUMENTS RECEIVED

8:58 am Dec 18, 2020

United States of America

v.

SHAWN CARL GAITAN

Case No. 6:20-CR-97-1(JCB/JDL)

**4:21-MJ-0105**

Defendant

## ARREST WARRANT

To: Any authorized law enforcement officer

**YOU ARE COMMANDED** to arrest and bring before a United States magistrate judge without unnecessary delay(name of person to be arrested) SHAWN CARL GAITAN,

who is accused of an offense or violation based on the following document filed with the court:

- ☒ Indictment    ☐ Superseding Indictment    ☐ Information    ☐ Superseding Information    ☐ Complaint  
☐ Probation Violation Petition    ☐ Supervised Release Violation Petition    ☐ Violation Notice    ☐ Order of the Court

This offense is briefly described as follows:

Count 1 ~ 21 USC 846 ~ Conspiracy to possess with the intent to distribute and distribution of a controlled substance  
(methamphetamine)

Date: 12/16/2020

David A. O'Toole

Issuing officer's signature

City and state: TYLER, TEXAS

David A. O'Toole, Clerk

Printed name and title



## Return

This warrant was received on (date) \_\_\_\_\_, and the person was arrested on (date) \_\_\_\_\_  
at (city and state) \_\_\_\_\_.

Date: \_\_\_\_\_

Arresting officer's signature

Printed name and title

MIME-Version:1.0  
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--Non Case Participants:  
--No Notice Sent:  
  
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Content-Type: text/html

**U.S. District Court**

**SOUTHERN DISTRICT OF TEXAS**

**Notice of Electronic Filing**

The following transaction was entered on 1/19/2021 at 12:37 PM CST and filed on 1/19/2021

**Case Name:** USA v. SEALED

**Case Number:** 4:21-mj-00105 \*SEALED\*

**Filer:**

**Document Number:** No document attached

**Docket Text:**

**\*\*\*Set Hearing as to Shawn Carl Gaitan: Initial Appearance – Rule 40 set for 1/19/2021 at 02:00 PM before Magistrate Judge Frances H Stacy (sanderson, 4)**

**4:21-mj-00105 \*SEALED\*-1 No electronic public notice will be sent because the case/entry is sealed.**

MIME-Version:1.0  
From:DCECF\_LiveDB@txs.uscourts.gov  
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Content-Type: text/html

**U.S. District Court**

**SOUTHERN DISTRICT OF TEXAS**

**Notice of Electronic Filing**

The following transaction was entered on 1/19/2021 at 3:00 PM CST and filed on 1/19/2021

**Case Name:** USA v. SEALED  
**Case Number:** 4:21-mj-00105 \*SEALED\*  
**Filer:**  
**Document Number:** No document attached

**Docket Text:**

**Minute Entry by video for proceedings held before Magistrate Judge Frances H Stacy: INITIAL APPEARANCE IN RULE 5(c)(3) PROCEEDINGS as to Shawn Carl Gaitan held on 1/19/2021. Defendant requests appointed counsel. Financial Affidavit executed. Order appointing Federal Public Defender. Defendant ordered removed to originating district. Appearances:H Winter f/ausa; T Keck f/ausa.(Court Reporter: ERO)(Digital # 2:17-2:25/2:53-2:56)(ERO:M Morgan) Deft remanded to custody, filed.(bwhite, 4)**

**4:21-mj-00105 \*SEALED\*-1 No electronic public notice will be sent because the case/entry is sealed.**

MIME-Version:1.0  
From:DCECF\_LiveDB@txs.uscourts.gov  
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Message-Id:34806970@txs.uscourts.gov  
Subject:Activity in Case 21-105 Sealed v. Sealed (Redacted Notice)  
Content-Type: text/html

**U.S. District Court**

**SOUTHERN DISTRICT OF TEXAS**

**Notice of Electronic Filing**

The following transaction was entered on 1/19/2021 at 12:36 PM CST and filed on 1/19/2021

**Case Name:** USA v. SEALED  
**Case Number:** 4:21-mj-00105 \*SEALED\*  
**Filer:**

**Document Number:** No document attached

**Docket Text:**

**Arrest (Rule 40) of Shawn Carl Gaitan, filed. (sanderson, 4)**

**4:21-mj-00105 \*SEALED\*-1 No electronic public notice will be sent because the case/entry is sealed.**

**UNITED STATES DISTRICT COURT  
FOR THE  
SOUTHERN DISTRICT OF TEXAS**

**ENTERED**

January 19, 2021

Nathan Ochsner, Clerk

UNITED STATES OF AMERICA

§

§

*versus*

§

Case No. 4:21-mj-00105 \*SEALED\*

§

Shawn Carl Gaitan

§

**COMMITMENT TO ANOTHER DISTRICT**

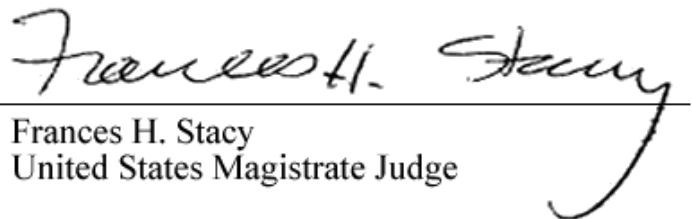
The defendant has been ordered to appear in the **E/D/TX, in 6cr97 (charging District's case number)**.

The defendant is requesting court appointed counsel.

The defendant remains in custody after the initial appearance.

**IT IS ORDERED:** The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Date: January 19, 2021

  
\_\_\_\_\_  
Frances H. Stacy  
United States Magistrate Judge

Government moved for detention and Defendant detained pending a hearing in District of offense.